

AO 106 (Rev. 04/10) Application for a Search Warrant

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UNITED STATES DISTRICT COURT

for the

Western District of Washington

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)Express Mail Parcel Addressed To:
"N. Fulgueira 1545 W River Ln. Tampa, FL 33603"
Parcel Tracking No. EG 806823109

Case No.

MS13-119

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Express Mail Parcel Addressed To: "N. Fulgueira 1545 W River Ln. Tampa, FL 33603"- Parcel Tracking No. EG 806823109, more fully described in 'Attachment A', attached hereto and incorporated herein by reference.

located in the Western District of Washington, there is now concealed (identify the person or describe the property to be seized):

Please see 'Attachment B', attached hereto and incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
Title 21, U.S.C. §
841(a)(1)
843(b)Offense Description
Distribution and Possession With Intent to Distribute a Controlled Substance &
Unlawful Use of a Communications Facility, Including the U.S. Mails to Facilitate
the Distribution of a Controlled Substance

The application is based on these facts:

Please see attached Affidavit of Postal Inspector France R. Bega and U.S. Customs and Border Protection Canine Officer Christian Hauserman.

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

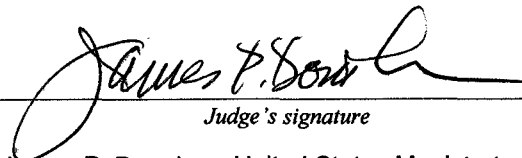
France R. Bega, USPIS

Printed name and title

Sworn to before me and signed in my presence.

Date:

March 1, 2013

City and state: Seattle, Washington

Judge's signature

James P. Donohue, United States Magistrate Judge

Printed name and title

1
2
3 **STATE OF WASHINGTON**)
4) **ss**
5 **COUNTY OF KING**)
6

7 **AFFIDAVIT**

8 France R. Bega, being first duly sworn on oath, deposes and says:
9

10 **BACKGROUND**

11 1. **Affiant Background.** I am a Postal Inspector with the United States Postal
12 Inspection Service and have been so employed since 2003. I am currently assigned to the Seattle
13 Division, Prohibited Mail Narcotics Team, and am responsible for investigating controlled
14 substance violations involving the United States Mails. In this capacity I have participated in
15 investigations involving the transmission of controlled substances or the proceeds from the sale
16 of controlled substances through the United States mails. I have received specialized training in
17 the investigation of controlled substances in the United States mails. I have received training
18 on the identification of controlled substances and interdiction of controlled substances. Your
19 affiant is familiar with the odor of marijuana.
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23

24 2. **Duties, Training & Experience.** As part of my duties, I investigate the use of the
25 U.S. mails to illegally mail and receive controlled substances, the proceeds of drug trafficking, as
26 well as other instrumentalities associated with drug trafficking, in violation of Title 21, United
27 States Code, Sections 841(a)(1) (distribution and possession with intent to distribute a controlled
28 substances), and 843(b) (unlawful use of a communication facility, including the U.S. mails, to
29 facilitate the distribution of a controlled substance). My training and experience includes
30 identifying parcels with characteristics indicative of criminal activity. During the course of my
31

1 employment with the USPS, I have participated in criminal investigations involving suspicious
2 parcels and controlled substances.

3
4 3. The information contained in this affidavit is based upon knowledge I gained
5 from my investigation, my personal observations, my training and experience, and investigation
6 by other Inspectors, agents, and officers. Because the purpose of this affidavit is limited to
7 setting forth probable cause to search the Subject Parcel, I have not set forth every fact of which
8 I am aware pertaining to the investigation.
9

10
11 4. From my training and experience, I am aware that the United States Postal
12 Service (USPS) mail system is often used to transport controlled substances and/or the proceeds
13 from the sales of controlled substances throughout the United States. I have learned and
14 observed that sometimes drug traffickers put controlled substances and proceeds in the same
15 package. I also know that drug traffickers prefer mail/delivery services such as Express Mail and
16 Priority Mail Delivery Confirmation because of the reliability of these services as well as the
17 ability to track the article's progress to the intended delivery point. When a drug trafficker learns
18 that a mailed article has not arrived as scheduled, he/she becomes suspicious of any delayed
19 attempt to deliver the item.
20
21

22
23 5. Based on my training and experience concerning the use of the Mail for the
24 transportation of controlled substances and/or the proceeds from the sales of controlled
25 substances, I am aware these packages usually contain some or all of the following
26 characteristics (which are different than characteristics of packages being sent by legitimate
27 businesses):
28
29
30

31 a. Unlike typical business mailings which usually have typed labels,
packages containing controlled substances and/or proceeds often have handwritten
address information. In addition, the address information often contains misspelled

1 words or incomplete/incorrect addresses. This is done in an effort to help conceal the
2 identities of the individuals involved.

3 b. The packages containing controlled substances and/or proceeds do not
4 contain a business account number and/or credit card number. This is an indication that
5 the sender likely paid cash. A credit card or business account number would more likely
6 enable law enforcement officers to connect the package to identifiable individuals.

7 c. The sender and/or recipient addresses on packages containing controlled
8 substances and/or proceeds often either are fictitious, or are persons not known to postal
9 personnel familiar with the addresses listed.

10 d. The zip codes for the sender addresses on packages containing controlled
11 substances and/or proceeds are different from the zip codes of the post offices from
12 where the parcels were mailed.

13 e. Packages containing controlled substances and/or proceeds are heavily
14 taped with tape on the seams of the parcel, in an effort to conceal scent.

15 6. Inspectors who encounter a package with any or all of the above characteristics
16 often further scrutinize the package by, among other ways, address verifications and use of a
17 trained narcotic-detecting canine examination.
18

19 **ITEM TO BE SEARCHED**
20

21 7. This affidavit is made in support of an application for a search warrant for one
22 USPS Express parcel, hereinafter referred to as the "Subject Parcel." This parcel is believed to
23 contain controlled substances or proceeds from the sale of controlled substances. The Subject
24 Parcel is further described as follows: Priority mail cardboard box covered with Express Mail
25 stickers addressed to "N. Fulgueira 1545 W River Ln. Tampa, FL 33603" with a return address
26 of "M. Richmond 509 23rd Ave S Seattle, WA 98122". The box measures approximately 11"x
27 8.5"x 5.5" with a weight of approximately 16 ounces. This parcel was postmarked February 28,
28 2013, from zip code 98003, Federal Way, WA and carries \$35.90 in postage. The parcel
29 tracking number is EG 806823109 US.
30
31

ITEMS TO BE SEIZED

8. The application requests that law enforcement officers and agents be authorized to seize the following from the Subject Parcel, which constitute the fruits, instrumentalities, and evidence of mailing and distribution of controlled substances in violation of Title 21, United States Code, Sections 841(a)(1) (distribution and possession with intent to distribute a controlled substance) and 843(b) (unlawful use of a communication facility, including the U.S. mails, to facilitate the distribution of a controlled substance):

- a. Controlled substances, including, but not limited to, cocaine, crack cocaine, heroin, hashish, marijuana, methamphetamine, MDMA, methadone, Oxycodone, and Oxycotin;
- b. Monetary instruments, including but not limited to, currency, money orders, bank checks, or gift cards;
- c. Controlled substance-related paraphernalia;
- d. Documentary evidence relating to the purchase, sale, and/or distribution of controlled substances;
- e. Notes, letters and other items which communicate information identifying the sender and/or recipient or pertaining to the contents of the mailing; and
- f. Fingerprints and/or handwriting, to identify who handled and/or mailed the package.

THE INVESTIGATION

9. On February 28, 2013, Postal Inspectors were performing an Express Mail interdiction at the United States Postal Service mail facility located at 10700 27th Avenue South, Tukwila, Washington. The emphasis for the interdiction was targeting outbound Express Mail parcels and envelopes for illegal narcotics or monetary proceeds derived from sales of the same.

10. At approximately 06:05 PM, Postal Inspectors observed the subject parcel with hand written label being shipped from Seattle, Washington to Tampa, Florida.

1 11. I know from my training and experience that USPS Express Mail boxes are often
2 used to ship controlled substances and/or U.S. Currency. In addition, I know that the Seattle area
3 is a source city for marijuana and other narcotics. I know that it is common for narcotics
4 traffickers to utilize Express Mail to ensure timely delivery and limit the potential for exposure
5 to law enforcement personnel. I also know that it is common for narcotics traffickers to use hand
6 written labels and provide false information or incomplete information on the labels in an effort
7 to protect the sender or recipient from law enforcement action.
8
9

10
11 12. Shortly after removing the parcel from the mail flow, I researched the receiver
12 name and address listed on the SUBJECT PARCEL by utilizing USPS and law enforcement
13 databases. I learned that Nicole Fulgueira does associate to address 1545 W River Ln. Tampa,
14 Florida.
15

16
17 13. I also researched the name and address provided for the sender for the SUBJECT
18 PARCEL by utilizing USPS and law enforcement databases. I learned there is no M. Richmond
19 or any person with the last name Richmond associated with 509 23rd Ave S Seattle, WA 98122.
20

21 14. The parcel had a waiver signature request; this waiver allows the postal carrier to
22 leave the parcel at the intended residence without the receiver having to sign for the parcel. This
23 service is often requested by drug dealers to avoid being identified.
24

25
26 15. On February 28, 2013, at approximately 6:43 PM, I placed the subject parcel in an
27 open area with approximately 4 other "control" parcels. Customs and Border Patrol Officer
28 (CBPO) Hauserman applied his narcotics detection canine "Damon" to each of the parcels. As
29 Damon approached the subject parcel, CBPO Hauserman immediately observed a change of
30 behavior. CBPO Hauserman observed Damon sit, indicating the positive odor of narcotics
31 emitting from the parcel. Further information about the narcotics detection canine's

1 qualifications and this investigation are provided in the attached affidavit of CBPO Hauserman
2 incorporated herein by reference.
3

4
5 **CONCLUSION**

6 16. Based on the facts set forth in this Affidavit, I believe there is probable cause to
7 conclude that the Subject Parcel contains controlled substances, currency, documents, or other
8 evidence, more fully identified in Attachment B, that relates to the mailing and distribution of
9 controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1)
10 (distribution and possession with intent to distribute a controlled substances) and 843(b)
11 (unlawful use of a communication facility, including the U.S. mails, to facilitate the distribution
12 of a controlled substance).
13
14
15

16
17 
18 _____
19 France R. Bega
20 Postal Inspector, US Postal Inspection Service

21 SUBSCRIBED AND SWORN to before me this 15th day of March, 2013.
22
23

24 
25 _____
26 JAMES P. DONOHUE
27 United States Magistrate Judge
28
29
30
31

Attachment A

Parcel to be searched

Express Mail parcel addressed to "N. Fulgueira 1545 W River Ln. Tampa, FL 33603" with a return address of "M. Richmond 509 23rd Ave S Seattle, WA 98122". The box measures approximately 11"x 8.5"x 5.5" with a weight of approximately 16 ounces. This parcel was postmarked February 28, 2013, from zip code 98003, Federal Way, WA and carries \$35.90 in postage. The parcel tracking number is EG 806823109 US.

ATTACHMENT B
(Items to Be Seized)

The following items which constitute evidence, instrumentalities, contraband, and/or fruits of violations of Title 21, United States Code, Sections 841(a)(1) (distribution and possession with intent to distribute a controlled substance) and 843(b) (unlawful use of a communication facility, including the U.S. mails, to facilitate the distribution of a controlled substance):

- a. Controlled substances, including, but not limited to, cocaine, crack cocaine, heroin, hashish, marijuana, methamphetamine, MDMA, methadone, Oxycodone, and Oxycontin;
- b. Monetary instruments, including but not limited to, currency, money orders, bank checks, or gift cards;
- c. Controlled substance-related paraphernalia;
- d. Documentary evidence relating to the purchase, sale, and/or distribution of controlled substances;
- e. Notes, letters and other items which communicate information identifying the sender and/or recipient or pertaining to the contents of the mailing; and
- f. Fingerprints and/or handwriting, to identify who handled and/or mailed the package.

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**U.S. Customs and Border Protection
Department of Homeland Security**

Canine Enforcement Office
19339 28th Ave. S. Bldg. D
Sea-Tac, WA 98188

AFFIDAVIT

I, Christian J. Hauserman, am a Canine Officer with U.S. Customs and Border Protection, assigned to the Seattle-Tacoma area. My assigned canine "Damon" CI-78 was initially certified with me at the Customs and Border Protection's Canine Center of Front Royal on March 26, 2010 after successfully completing the U.S. Customs and Border Protection detection canine training academy. Canine "Damon" was trained to detect concealed humans and the odors of cocaine, marijuana, heroin, methamphetamine and their derivatives. I and canine "Damon" maintain our annual certification through the Customs and Border Protection regulations. This certification is a comprehensive test designed to measure the ability of the dog and the handler in searching for and indicating the presence of, concealed persons and controlled substances. This certification consists of searches administered in different environments with a variety of distractions and is designed to duplicate actual field conditions which may be encountered by the canine team. Canine "Damon" must pass 16 of the 17 controlled finds (15 active and 2 blinds) which equates to a 94% or greater accuracy.

I and canine "Damon" participate in maintenance training which is no less than 16 hours per month. On-going training includes:

- Training in all areas of interdiction, such as vehicles, boats, schools, currency, parcels and mail, airports, bus and bus depots, storage units, residences, motels, apartments, etc;
- Training on various quantities of controlled substances, ranging from grams to pounds;
- Training on controlled negative (blank) testing, in which all objects or locations have no contraband present;
- Conflict training, which proofs the dog and prevents him from alerting to common items associated with controlled substances, such as plastic bags, etc., and/or reward objects or toys.

CBP maintains training records of the on-going training. All training records and certifications are constantly maintained and up to date and current. The dogs are given a rating at each training day that is maintained for 90 days. The ratings for each training day are based on unsatisfactory, poor, fair, average, good, or excellent performance. Canine "Damon" has maintained a rating of "Good" over the last 90 days. Canine "Damon" is trained with a passive response/indication (sit or lay down), with various objects (toys) being his reward.

On February 28th, 2013 at 1843 at the Seattle P&DC located at 10700 27th Ave S, Seattle, WA 98168. I along with Canine "Damon" searched five packages that were placed in a open space, four controlled packages and one suspect package. Canine "Damon" alerted to USPS parcel tracking number EG806823109US which was in position #1. The package was mailed from Federal Way, WA 98003 on February 28, 2013. The USPS parcel is being shipped from M. Richmond, 509 23rd Ave S, Seattle, WA 98122 to N. Fulgueira, 1545 W River LN, Tampa, FL 33603.

I have been a Canine Officer since August 2009.

Signed CHL 5002 Date 03/01/13

Christian J. Hauserman
Customs and Border Protection Officer (K-9)
U.S. Customs and Border Protection
Seattle, WA
(206) 730-1010 (cell)
christian.j.hauserman@cbp.dhs.gov